

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
MICHAEL D. COHEN,

Petitioner,

v.

WILLIAM BARR, in his official capacity as :
Attorney General of the United States, MICHAEL :
CARVAJAL, in his official capacity as Director of :
the Bureau of Prisons, and JAMES PETRUCCI, in :
his official capacity as Warden of the Federal :
Correctional Institution, Otisville, :

Respondents.

----- X
ALVIN K. HELLERSTEIN, U.S.D.J.:

ORDER GRANTING
PRELIMINARY INJUNCTION

20 Civ. 5614 (AKH)

Upon the findings and conclusions stated on the record at oral argument conducted telephonically on July 23, 2020, Petitioner Michael D. Cohen's motion for injunctive relief, *see* ECF No. 4, is granted as follows.

The Court finds that Respondents' purpose in transferring Cohen from release on furlough and home confinement back to custody was retaliatory in response to Cohen desiring to exercise his First Amendment rights to publish a book critical of the President and to discuss the book on social media. Accordingly, Respondents are hereby enjoined from any continuing or future retaliation against Cohen for exercising his First Amendment rights. Respondents are directed to provide Cohen with a COVID-19 test at his place of detention no later than tomorrow morning, July 24, 2020, to report the results of that test to Cohen and to his Probation Officer promptly when they become available, and to release Cohen from custody to any member of his immediate family at the place of his detention at or before 2:00 p.m. tomorrow, July 24, 2020.

Upon Cohen's release, the parties agree, and I so order, that Cohen will be subject to the eight conditions of release set forth in the Federal Location Monitoring Agreement, *see* ECF No. 7-2, provided, however, that adherence to condition one, except for the last sentence, is

temporary, subject to the parties' renegotiation of said temporary condition.¹ The condition shall be consistent with the First Amendment and legitimate penological limitations on conduct to which the parties mutually agree or the Court subsequently orders. The parties shall have one week to conduct their negotiations and will, unless an extension has been granted, file a proposed order to the Court by July 31, 2020. I reserve continuing jurisdiction to resolve any disputes in settling an order and enforcing same.

This order, which codifies my extemporaneous ruling at argument, is intended to be final. A written decision providing a fuller statement of my findings and conclusions will follow when ready. The Clerk is instructed to terminate the open motion (ECF No. 4).

SO ORDERED.

Dated: July 23, 2020
New York, New York

_____/s/_____
ALVIN K. HELLERSTEIN
United States District Judge

¹ Condition one provides: